

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

NOVEMBER 2008



Gratton Appointed to Court of Appeals

Idaho Governor C.L. "Butch" Otter has appointed David W. Gratton of Boise to the newly created, fourth position on the Idaho Court of Appeals.

The appointment is effective January 1, 2009. The new position was authorized by the Idaho Legislature during the 2008 session. The court, originally created by the 1981 state legislature, has had three judges.

In a news release, Governor Otter said: "Heavy caseload and the complexity and magnitude of cases being handled by our judiciary prompted the Legislature to add a judge to the Court of Appeals.

Dave Gratton's experience, temperament and perspective make him a solid choice for this important position."

In response to his appointment, Mr. Gratton stated: "I'm very honored and humbled to have been selected. The Judicial Council sent four highly qualified applicants to the Governor. I appreciate the Governor's confidence in me and my legal abilities, and I look forward to serving the people of Idaho for many years."

Gratton holds a bachelor's degree from Boise State University and a law degree from the University of Idaho. He is currently a partner in the law firm of Evans Keane LLP in Boise. He has been a lecturer and course instructor for courses in product liability and real property law, and has authored several publications.

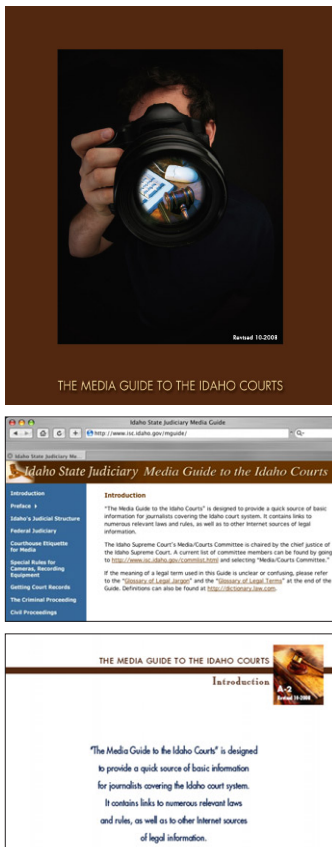
Media Guide Updated

The 2008 update to the *Idaho State Judiciary Media Guide to the Idaho Courts* is now available on the Idaho Supreme Court Web site.

The Web version is available at <http://www.isc.idaho.gov/mguide/>. A PDF version is also available at http://www.isc.idaho.gov/mguide/ISC_2008_MG.pdf. It can be downloaded to a computer or printed for reference.

In addition to clarifying some legal definitions, interpreting legal jargon and some reformatting, the following changes to the *Media Guide* are of particular note:

- ⚖ Additions were made to the Preface section of the *Guide*, explaining "Why a Judge May Abstain from Public Comment."
- ⚖ "The Supreme Court" document, referenced under Idaho's Judicial Structure has been reformatted and updated with current information. This document gives insight to the flow of a case through the court.
- ⚖ ICAR 45 and 46 have been rewritten to address the issue of cameras and recording equipment in Idaho's Courts. Particular points made by the rules are identified in the section "Special Rules for Cameras, Recording Equipment."
- ⚖ The new location of the Law Library is identified under "Other Resources."



Court Announces Budget Priorities for FY2010

The Idaho Courts are participating fully in the 1% holdback requested by Governor Otter, despite the unique constraints of the court's General Fund budget.

| | |
|-------------------------------------|-----|
| Constitutional & Statutory Salaries | 72% |
| Other Court Personnel | 19% |
| Operations (including GAL) | 9% |

Further cutbacks may be necessary. We are making every effort to identify plans and strategies to reduce expenditures while not interfering with the Judiciary's constitutional and statutory responsibilities. We'll keep you apprised of all developments and appreciate your continued suggestions.

The Court's FY2010 budget request only asks for funding of three priorities:

Additional Senior Judge Days to Ensure Increasing Court Caseloads Are Heard Timely

From the General Fund, the Court is requesting funds for additional senior judge days in counties where caseloads continue to increase, where emergencies exist or a backlog of cases has developed.

Juvenile Intervention Services

The Court is asking the Millennium Fund Committee to provide evidence-based intervention services for juvenile offenders in alcohol and tobacco cases to provide the most effective services to the young offender and their family.

Continued Planning Process for a Law Learning Center

Funds from the Permanent Building Fund are needed to progress the Law Learning Center which will enhance legal and judicial education in Idaho, provide law related educational outreach to all Idaho communities, colleges and universities and provide a permanent location for the State Law Library.

Please see the full FY2010 Budget Request at:

<http://www.isc.idaho.gov/links/Budget%20Priorities-CURRENT.pdf>

The ISC Proposes Legislation for 2009

The Court recently submitted a letter to Senator Denton Darrington and Representative Jim Clark, suggesting the following "additional matters that are thought to merit consideration by the Legislature:"

- Consider adopting a modern revision of the chapter of the Idaho Code that addresses bail in criminal cases.

- Consider providing a statutory framework for domestic violence courts and needed funding for these and other problem-solving courts by the adoption of an additional fee to be paid by persons convicted of specified crimes involving domestic violence or substance abuse.
- Consider legislation that would consolidate and clarify the provisions relating to civil case filing fees.
- Consider amending Idaho Code 5s 10-1110 and 10-1111 to provide that crime victims shall be notified that unsatisfied restitution judgments must be renewed every five years.
- Consider amending Idaho Code 3 16-1603 to provide that if a court has jurisdiction over a child under the Child Protective Act, it also has jurisdiction over each of the child's parents and any person with legal custody or guardianship of the child.
- Consider amending the statutes relating to driving under the influence to provide that a repeat DUI offender who is a participant in a drug court or DUI court shall become eligible for restricted driving privileges after an initial 45-day absolute suspension of driving privileges.
- Consider legislation to ensure the stability of the Judges' Retirement Fund.

The full text of a letter of the letter to Senator Darrington and Representative Clark is available at: <http://www.isc.idaho.gov/links/11-13-08%20Other%20Matters%20Letter.pdf>. In addition, a letter to the Governor relating to Defects in the Laws is available at: <http://www.isc.idaho.gov/links/11-13-08%20Defects%20Letter.pdf>.

Budget Constraints Force Institute Cancellation



Announced budget holdbacks and continuing financial challenges have required cancellation of the Drug and Mental Health Courts Institute scheduled for January 2009. If at all possible, the Institute will be reinstated in 2010. However, the January 28-30, 2009 District Judges Seminar will be held as scheduled.

Opportunities for continuing education will be provided in regional sessions and through distance learning technology. Some grants will also be available to underwrite other training. We invite your thoughts and suggestions about alternatives to help us all continue to implement evidence-based practices throughout our drug and mental health courts during this difficult financial time.

Please forward your thoughts or suggestions to Norma Jaeger (njaeger@idcourts.net / 208-947-7427) or Judge Castleton (lcastleton@idcourts.net / 208-947-7417).





Mentoring Magistrate Judges

Retired senior Judge Michael Redman is one of two judges leading a successful statewide mentoring program for new judges.

Following a request from the judicial education committee that advises the Supreme Court and the Administrative Director of the Court on education issues, the Court has assigned two senior judges to assist with mentoring new judges.

For more than 25 years, Idaho's mentoring program had involved appointing a local judge as a mentor to each new judge that takes the bench — a system that Judge Redman says is now vastly improved by also enlisting the support of the two senior judges.

"There is more consistency and follow through so we can be very helpful in assisting new judges," said Judge Redman.

Along with retired 7th District Judge Richard St. Clair, retired 5th District Magistrate Judge Redman makes himself available to new judges and also encourages local judges to be involved in doing so.

Judge Redman will travel to spend a day with a new judge. "I can spend some time watching him or her work. I can make suggestions and offer encouragement," he said. "This provides an outsider's view that they won't necessarily get locally." After the face-to-face visit, the senior judges follow up by sending a written report of observations to the new judge and checking back frequently.

While the primary mentoring responsibility of a new judge belongs to the local judge, Judge Redman believes the benefits of the new program are two-fold: "First of all, having an established mentoring program helps us all realize the importance of follow through," he explained. "Secondly, the quality of local mentoring is now much higher. New judges find the observation comment area very helpful."

Judge Redman says that serving as a mentor is rewarding, both personally and professionally, "I've learned a great deal watching brand new judges. The quality of judges in Idaho is rather remarkable."

New Orders & Rule Changes

For Current New Orders or Rule Changes, go to: <http://www.isc.idaho.gov/rulesamd.htm>



Idaho Court Administrative Rule (I.C.A.R.) 52 (amended to replace 08-28-08 order)

In Re: Adoption of Idaho Rules of Evidence (I.R.E.) 803(23) and 904 (effective 01-01-09)

Order: Adoption of I.R.C.P. 16(p). Informal Custody Trial

New! "Divorce with Children" Interactive Court Forms are available. For more information, please read the document at <http://www.isc.idaho.gov/links/NewDivw-childrenforms.pdf> and follow the link at the bottom of the page.



Idaho Courts Represented at National Symposium

Judge Carl Kerrick and Janica Bisharat represented Idaho at the October American Bar Association National Symposium on the American Jury System at Fordham University Law School in New York City, New York.

A keynote address by Chief Judge Judith Kaye of the New York Court of Appeals kicked off the Friday morning session of the symposium. Following her remarks, Judge Kaye participated in a panel to address "*Preparing the Jury System for the 21st Century*." She was joined by judges from the United States District Court for the Northern District of Illinois, the New Jersey Supreme Court, and the Connecticut Supreme Court.

"Chief Judge Kaye's keynote was very powerful. She's been active in the National Center for State Courts relative to the improvements of state courts and the jury system," recounted Judge Kerrick, who shares Chief Judge Kaye's longstanding interest in enhancing the jury system.

"Chief Judge Kaye's main emphasis is to improve the system from the jurors' perspective so that we are efficiently using jurors' time and making the experience of serving as positive as possible," he said.

The symposium also included a panel on "New and Emerging Issues" featuring some of the foremost scholars in the jury research field.

Professor Diamond, Paula Hannaford-Agor of the National Center for State Courts, Professor Ted Eisenberg of Cornell Law School, and Professor Stephen Saltzburg of George Washington University described recent research projects in which they have been involved.

"What's encouraging is that some of the emerging issues nationwide are things we are already doing in Idaho," remarked Judge Kerrick. "We've made changes in rules that allow for a summary opening statement to the entire panel before a jury is selected. This provides a better basis for questioning of perspective jurors. Another issue is juror privacy, and in Idaho, we've implemented a number of measures to protect jurors."

Judge Kerrick also noted that Idaho has taken specific actions to clarify juror instructions and to make more efficient use of their time.

"Jury service is an opportunity for members of the public to see how the judicial system works," explained Judge Kerrick. "It provides a window into our courtrooms, and allows for very important participation of our citizens. It's a means for the public to both keep an eye on and participate in our system of justice. When the public is well served by a quality jury system, the litigants and participants are well served also."



Norris receives Recognition

Kelly Norris, 4th District Mental Health Court Coordinator, has been recognized by the Boise chapter of the National Alliance on Mental Illness with the organization's annual Recognition of Achievement and Appreciation. The award was presented at the group's recent volunteer appreciation event. Kelly was acknowledged this year along with former legislators Kathie Garrett and Margaret Henbest. Kelly was cited for being committed, energetic, respectful,

and patient in her efforts to engage mental health advocates, consumers, and families in the work of the mental health court.

Congratulations Kelly!

The National Alliance on Mental Illness has been a dedicated supporter of Idaho mental health courts in many districts and has contributed to the work of these courts and to the support of mental health court participants in a variety of ways.





Judge Moss Announces Retirement

Judge Brent Moss has announced his plans to retire as a District Judge for the 7th Judicial District on March 31, 2009. "Serving as a Magistrate Judge and District Judge has provided a rare opportunity to serve the people of this state in ways that I could not have fully understood

when the journey began," Judge Moss said. "It has been my good fortune to associate with a judiciary that has been and continues to be in the forefront of many positive developments, not only in Idaho but throughout the nation. Finally, I express appreciation to all of those with whom I have had the good fortune to work and associate with during my time in office - those associations have enriched my life."

an associate attorney with Holland & Hart's Boise office where she specialized in litigation and employment law; and tenure as a law clerk at the Court. She graduated from the University of Oregon Law School. Feel free to contact Andrea at 208-947-7437 or apatterson@idcourts.net with any and all human resources questions and requests. **Welcome, Andrea!**



Arnold joins Finance Office

Jim Arnold, Senior Financial Specialist, recently began working for the Administrative Office of Courts in the finance section. He comes to us from Boise, Inc.'s Salem office, and is pleased to be back in Idaho. Contact Jim at jarnold@idcourts.net / 208-334-2248. **Welcome, Jim!**



Patterson to lead Human Resources

Andrea Patterson has joined the Administrative Office of the Courts to lead its Human Resource Office. Andrea comes to the Supreme Court with outstanding experience including more than four years as the human resources manager for the Ada County Sheriff's office; more than five years as



Dougherty joins Human Resource Office

Peggy Dougherty has been selected as the Court's new HR Specialist, effective October 27th. She brings a wealth of experience to the new HR office. Contact Peggy at pdougherty@idcourts.net / 208-334-2248.

Congratulations, Peggy!



Healthy employees are one of the keys to a productive and cost effective workplace. In support of that effort, the Division of Professional-Technical Education is announcing **Health Matters**, the new statewide Idaho State Employee Wellness resource.

Please take time to visit Health Matters at:

<http://www.healthmatters.idaho.gov>



JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Daniel T. Eismann
Justice Roger S. Burdick
Justice Jim Jones
Justice Warren E. Jones
Justice Joel Horton

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

451 West State St.
Boise, ID 83702
Phone: 208-334-2246
FAX: 208-947-7590
E-mail: *ptobias@idcourts.net*

Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>

